

AFFIDAVIT

Case No. 3:21-MJ- 2041

1. I, Wesley P. Leatham, being duly sworn, state the following information to be true to the best of my knowledge, information and belief:

FILED

MAR 17 2021

I. INTRODUCTION

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

2. This affidavit is being offered in support of an Application for a Search Warrant to search the person of Deshawn Thomas Whited, hereinafter referred to as "WHITED", described as a Black male, date of birth May 9, 1997, Social Security Account Number (SSAN) XXX-XX-2793, FBI Number 60497FH1, currently incarcerated at the Knox County Sheriff's Office (KCSO) Detention Facility, 5001 Maloneyville Road, Knoxville, Tennessee 37918, for the seizure of buccal cells (cheek epithelial cells) containing the DNA of WHITED, which constitutes evidence of the commission of a criminal offense, in violation of Title 18 United States Code 2119 – Carjacking; Title 18 United States Code 922(g)(1) – Felon in possession of a firearm; and Title 18 United States Code 924(c)(1)(A) – Brandishing a firearm during and in relation to a crime of violence.

II. AGENT BACKGROUND AND EXPERIENCE

3. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since April 2009. I am an "Investigative or Law Enforcement Officer" within the meaning of Section 2510(7) of Title 18, United States Code; that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code. My primary duties and responsibilities involve the investigation of violations of federal law including violent crime as found in Title 18 of the United States Code, and the Controlled Substances Act as found in Title 21 of the United States Code. I am currently assigned to the Knoxville Field Office of the FBI and am assigned to the Violent Crime Squad/Safe Streets Task Force. During my tenure as an FBI Special Agent, I have investigated numerous crimes including, but not limited to, bank

robbery, carjacking, violent gangs and organized crime, kidnapping, and fugitive investigations. More specifically, I have conducted physical surveillance, executed search warrants, analyzed phone and internet records, and arrested criminal suspects. I have also spoken to confidential human sources, suspects, defendants, witnesses, and other experienced investigators concerning the methods and practices of the criminal element. I have received training and have experience in interviewing and interrogation techniques, arrest procedures, evidence collection, search and seizure, search warrant applications, and various other crimes and investigative techniques. Prior to joining the FBI, I was a State Trooper with the Utah Highway Patrol for approximately nine (9) years, and have over twenty-one (21) years of experience as a law enforcement officer.

4. Except as noted, all of the information contained in this affidavit is either known to me personally or has been told to me by other law enforcement officials. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have set forth only those facts necessary to establish probable cause, and have not included each and every fact known to me in this investigation.

III. APPLICABLE LAW

5. Title 18 U.S.C. 2119 punishes whoever, with the intent to cause death or serious bodily harm takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation, or attempts to do so.

6. Title 18 U.S.C. 922(g)(1) states it shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

7. Title 18 U.S.C. 924(c)(1)(A) punishes any person who, during and in relation to any crime of violence for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm.

IV.

PROBABLE CAUSE

8. On January 20, 2021, at approximately 2:27 p.m., a male whose identity is known to law enforcement, hereinafter referred to as "VICTIM", was driving a silver 2001 Honda Accord, bearing Tennessee license plate number 8U7-0J1, and came to a stop in the vicinity of Gay Street and Magnolia Avenue in Knoxville, Tennessee. The VICTIM observed two (2) Black males on foot. One of the Black males, later identified as DESHAWN THOMAS WHITED, hereinafter referred to as "WHITED", flagged the VICTIM down and began to approach his vehicle. The VICTIM believed WHITED needed money and told law enforcement that he often gives money to the homeless. The VICTIM did not know WHITED and had never seen him before that day.

9. The VICTIM rolled down his window as WHITED approached his vehicle. WHITED retrieved a silver and black colored handgun from his waistband and pointed it at the VICTIM with his finger on the trigger. The VICTIM believed the handgun was a 9mm. WHITED ordered the VICTIM to get out of his vehicle and asked where the VICTIM'S wallet was located.

10. The VICTIM told WHITED his wallet was in the vehicle and he exited the vehicle. The VICTIM grabbed his cellular telephone, which was mounted on a dashboard vent, as he exited the vehicle. WHITED entered the driver's seat of the VICTIM'S vehicle and fled the scene in the vehicle. The VICTIM used his cellular telephone to call 911.

11. The VICTIM described WHITED as a light-skinned Black male in his mid-twenties, with chin length braids in his hair, and a tattoo under his right eye.

12. Based on the description given by the VICTIM, Knoxville Police Department Investigator Andrew Markham assembled a photo line-up featuring a photograph of WHITED among photographs of five (5) other individuals of similar appearance. Investigator Markham was familiar with WHITED, who was a suspect in several armed business robberies being investigated by the Knoxville Police Department (KPD). A silver and black handgun was used in several of the armed robberies being investigated by KPD. During their investigation, KPD

identified a silver Jeep Patriot registered to WHITED'S mother, believed to have been used by WHITED to commit the armed business robberies. On January 20, 2021, Investigator Markham applied for and was granted a State of Tennessee Court Order, in the Criminal Court for Knox County, authorizing the installation and monitoring of a GPS tracking device onto the silver Jeep Patriot, bearing Tennessee license plate number 8W4-0P5, with assigned Vehicle Identification Number (VIN) 1J4NT1GA7BD270897, hereinafter referred to as "Jeep".

13. On January 20, 2021, at approximately 4:09 p.m., the VICTIM positively identified WHITED as the person who carjacked him after viewing the aforementioned photo line-up.

14. On January 20, 2021, at approximately 6:17 p.m., KPD officers located the Jeep in the parking lot of Kroger, located at or near 4414 Asheville Highway, Knoxville, Tennessee, based on GPS data obtained from the aforementioned tracking order. KPD officers observed the Jeep parked next to a silver Honda Accord, which matched the description of the vehicle stolen from the VICTIM.

15. KPD officers observed three (3) occupants exit the Jeep and transfer items into the Honda Accord. The three (3) occupants entered the Honda Accord and exited the parking lot onto Holston Drive, before turning back into the Kroger parking lot. KPD officers were able to confirm the license plate number affixed to the Honda Accord matched the vehicle stolen from the VICTIM earlier in the day.

16. KPD officers observed the Honda Accord park near the gas pumps. A black male, who KPD officers recognized to be WHITED, exited the driver's seat of the Honda Accord. KPD officers took WHITED into custody without incident. Two (2) juvenile females were identified as passengers in the Honda Accord. As WHITED was being taken into custody, he made an unsolicited spontaneous utterance, "Everything in that car is mine."

17. One of the juvenile females, whose identity is known to law enforcement, hereinafter referred to as "CT", was the front seat passenger in the Honda Accord. While being detained by KPD officers, CT voluntarily stated she had a gun in her jacket pocket. KPD Investigator Jacob

Wilson removed a pistol with a silver colored slide and black frame/handle from CT's jacket pocket. The firearm was identified as a Smith & Wesson, Model SW9VE, 9mm semi-automatic pistol, bearing serial number PDH9350. Additionally, KPD officers recovered a Maverick Arms, Model 88, 12 gauge shotgun, bearing serial number MV0253027, from the back seat of the Honda Accord.

18. WHITED and the two (2) juvenile females were transported to the Knoxville Police Department, 800 Howard Baker Jr. Avenue in Knoxville, Tennessee to be interviewed. CT, who was in possession of the Smith & Wesson, Model SW9VE, 9mm semi-automatic pistol at the scene of WHITED's arrest, was advised of her Miranda Rights. CT waived her Miranda Rights, and agreed to answer questions from investigators. CT stated that WHITED handed the aforementioned pistol to her.

19. On January 21, 2021, KPD Forensic Unit Technician Franklin collected swabs from both the Smith & Wesson, Model SW9VE, 9mm semi-automatic pistol, and the Maverick Arms, Model 88, 12 gauge shotgun, for the presence of DNA. Franklin also processed both firearms for latent prints with negative results.

20. On January 21, 2021, I conducted a Vehicle Identification Number (VIN) decoder inquiry of the VIN assigned to the VICTIM'S Honda Accord on the United States Department of Transportation (USDOT) National Highway Traffic Safety Administration (NHTSA) website, which listed the vehicle's manufacturing plant as Sayama, Saitama, Japan.

21. On February 9, 2021, FBI Task Force Officer Mark E. Webber obtained a certified copy of a Judgment from the Criminal Circuit Court of Knox County, Tennessee showing WHITED pled guilty to a Class C Felony Aggravated Assault, in violation of Tennessee Code Annotated 39-13-102, and was sentenced to three (3) years in prison on May 20, 2016.

22. On February 17, 2021, I contacted Smith & Wesson in Springfield, Massachusetts, who provided information that the frame of the aforementioned Smith & Wesson, Model SW9VE, semi-automatic pistol, bearing serial number PDH9350, that was seized by KPD during the arrest

of WHITED, was manufactured by Tri-Town Plastics in Deep River, Connecticut. Smith & Wesson received the frame on January 3, 2006, and assembled it into a Model SW9VE pistol. The pistol was then shipped to the RSR Group in Grand Prairie, Texas on January 4, 2006.


23. On March 4, 2021, I took custody of the aforementioned Smith & Wesson, Model SW9VE, semi-automatic pistol; the Maverick Arms, Model 88, 12 gauge shotgun; and swabs collected from both firearms, from the Knoxville Police Department Evidence Room and entered them into the FBI Knoxville Evidence Control Room.

V.

CONCLUSION

24. Based upon the foregoing, there is probable cause to believe that a DNA sample from WHITED will contain evidence of the commission of a criminal offense, in violation of Title 18 United States Code 2119 – Carjacking; Title 18 United States Code 922(g)(1) – Felon in possession of a firearm; and Title 18 United States Code 924(c)(1)(A) – Brandishing a firearm during and in relation to a crime of violence. The DNA sample collected from WHITED pursuant to this search warrant will be sent to the FBI Laboratory DNA Casework Unit in Quantico, Virginia, and used for comparison to any DNA sample contained on the aforementioned swabs collected by the KPD Forensics Unit, currently in possession of the FBI Knoxville Field Office Evidence Control Center. As such, I request that a Search Warrant be issued for a search of WHITED’S person for the seizure of buccal cells (cheek epithelial cells) containing the DNA of WHITED.

FURTHER AFFIANT SAYETH NAUGHT.



Wesley P. Leatham
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on this 11th day of March, 2021.



H. BRUCE GUYTON
UNITED STATES MAGISTRATE JUDGE